THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 16724 OF 2006

DATED 09-08-2006

BETWEEN:

K.Satyanarayan Murthy and another

.. Petitioners

The Municipal Corporation of Hyderabad
And another

.. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 16724 OF 2006

ORDER:

Heard learned counsel on record.

The writ petition is filed for a writ of mandamus, by declaring the notice bearing letter No.TPS/C5/MCH/2006, dated 5.8.2006, issued by the second respondent, as illegal and arbitrary and consequently set aside the same and pass such other suitable orders.

It is stated that the first petitioner and his family are the owners and possessors of the premises bearing No.8.3.988/4 admeasuring 283 sq. yards situated at Yellareddyguda, Hyderabad.

Several factual details have been narrated. It is also stated that when the respondents tried to interfere with the construction activity, they filed a suit in O.S.No.6214 of 2005 on the file of the VI Junior civil Judge, City Civil Court, Hyderabad and in I.A.No.1037 of 2005, the learned Judge was pleased to grant temporary injunction. Later when the respondents entered their appearance, the interim order was vacated and the suit is still pending. It is stated that the entire construction activity has been completed, and if at this stage, any demolition is taken place the petitioners would suffer hardship. The main grievance of the petitioners is that the impugned notice was issued straight away under Section 636 of the HMC Act, 1955.

In view of the facts and circumstances of the case, the impugned notice to be treated as show cause notice and the petitioners are given liberty to file objections within two weeks for the same and that the respondents to consider the objections and pass appropriate orders in relation thereto and till then not to

resort any demolition activity in relation to the subject matter of the writ petition.

With the above direction, the writ petition is disposed of. No order as to costs.

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09-08-2006

Note: Issue wire at party's costs

kvrm